

P1029/N8595

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Norley et al.
Serial No.: 09/826,225
Filed: April 4, 2001
For: Anisotropic Thermal Solution
Group Art Unit: 1732
Examiner: Vargot, Mathieu D.
Attorney's Docket No.: P1029/N8595
Customer No.: 23456

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PETITION TO REVIVE APPLICATION
PURSUANT TO 37 C.F.R. §1.137(a)

VIA FACSIMILE NO. (703) 872-9306

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to a Notice of Abandonment mailed December 18, 2003, the above-captioned has been deemed abandoned for failure to respond to the Office Action mailed 6 May 2003. However, since the delay in responding to the Office Action was unavoidable, and, in fact, occasioned by an error on the part of the Patent Office, revival of the application is believed to be appropriate and is respectfully requested.

More particularly, the 6 May 2003 Office Action was mailed to Applicants at Graftech Inc., Suite 1100, 3102 West End Avenue, Nashville, TN 37203, the correspondence address listed in the application as filed. However, that address had not been Applicants' current correspondence address for over 6 months. Rather, in the

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Supplemental Declaration and Power of Attorney submitted by Applicants on December 2, 2002, the Patent Office was instructed to send all correspondence relating to the above-captioned application to Graftech Inc., 1521 Concord Pike, Suite 301, Brandywine West Building, Wilmington, DE 19803. A copy of the Supplemental Declaration and Power of Attorney, as well as a copy of the return postcard showing receipt by the Patent Office on December 2, 2002, is attached hereto.

Since the 6 May 2003 Office Action was mailed to an obsolete address, Applicants did not learn of the Action until after the period for response to the action had already elapsed, via a courtesy telephone call from Examiner Vargot. At Examiner Vargot's request, a Change in Correspondence Address was immediately filed, and the Notice of Abandonment sent to the address noted in the Change in Correspondence Address.

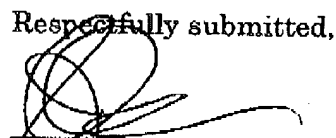
However, because the Patent Office did not record the request for all correspondence to be sent to the Wilmington, Delaware address made in December of 2002, the May 2003 Office Action was not timely received by Applicants. Therefore, the delay in responding to the action has been unavoidable. Grant of this petition and revival of the above-captioned application, is, accordingly, appropriate and requested.

A response to the 6 May 2003 Office Action is attached hereto. In addition, the petition fee of \$110 pursuant to 37 C.F.R. §1.17(l) should be charged to deposit account

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no. 50-1202. It is believed that no terminal disclaimer pursuant to 37 C.F.R. §1.137(d) is required with the filing of this Petition.

Respectfully submitted,



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